

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

WESTERN FARMERS ELECTRIC	)	
COOPERATIVE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. CIV-15-864-D
	)	
STERLING PLANET, INC.,	)	
	)	
Defendant.	)	

**ORDER**

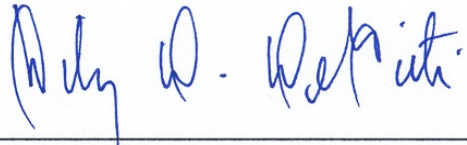
Before the Court is Plaintiff's Motion to Strike Certain Affirmative Defenses in Answer of Defendant Sterling Planet, Inc. [Doc. No. 12], filed pursuant to Fed. R. Civ. P. 12(f). By its Motion, Plaintiff challenges the sufficiency of most of the 32 defenses listed in Defendant's original Answer [Doc. No. 10]. During the pendency of the Motion, however, Plaintiff amended its pleading, and Defendant filed a new answer [Doc. No. 22], which reduces the number of asserted defenses by more than half and adds factual allegations to support some defenses that Plaintiff had challenged as insufficiently pleaded. In light of these developments, and the principle that an amended pleading supersedes the original and renders it of no legal effect,<sup>1</sup> the Court finds that Plaintiff's Motion directed at Defendant's original Answer is moot.

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<sup>1</sup> See *Davis v. TXO Prod. Corp.*, 929 F.2d 1515, 1517 (10th Cir. 1991); see also *Predator Int'l, Inc. v. Gamo Outdoor USA, Inc.*, 793 F.3d 1177, 1180-81 (10th Cir. 2015); *Mink v. Suthers*, 482 F.3d 1244, 1254 (10th Cir. 2007); *Callahan v. Poppell*, 471 F.3d 1155, 1161 (10th Cir. 2006).

IT IS THEREFORE ORDERED that Plaintiff's Motion to Strike Certain Affirmative Defenses in Answer of Defendant Sterling Planet, Inc. [Doc. No. 12] is DENIED without prejudice to resubmission, if appropriate, in response to the Answer to Amended Complaint [Doc. No. 22].

IT IS SO ORDERED this 12<sup>th</sup> day of February, 2016.



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TIMOTHY D. DEGIUSTI  
UNITED STATES DISTRICT JUDGE